

MAY 29 2007

Serial No.: 10/681,801
Attorney Docket No.: 100110177-1**REMARKS**

In response to the Office Action dated February 27, 2007, claims 1-3, 7-10 and 16-18 have been amended. Claims 1-20 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Nozaki et al. (U.S. Patent No. 7,027,087).

The Applicant respectfully traverses this rejection based on the amendments to the claims and the arguments below.

Specifically, the independent claims now include features that are not disclosed by the cited reference. For example, the Applicant's claims now include using a capture buffer configured as a first memory location having a plurality of buffer locations, each of which is available for storing auxiliary image frames, using a second memory location separate from the capture buffer, the second memory location configured to store image frames, wherein each image frame corresponds to an associated auxiliary image frame, continuously receiving and processing the auxiliary image frames during auxiliary mode of the digital camera and before a capture trigger is activated, storing the auxiliary frames in the first memory location and copying one or more auxiliary image frames and corresponding image frames to a fixed section of memory for performing image processing on the copied data.

In addition, claims 2, 8 and 17 include the second memory location is a **fixed section of memory** configured to be used for image processing and automatic functions while claims 3, 9 and 18 include that the image frames are **video image frames**. Support for these amendments can be found throughout the specification and at least in FIGS. 1-2 and 5-9 and paragraphs [0037], [0042] – [0043], [0049] and [0060] of the Application specification (U.S. Patent Publication No. 2005/0078194).

In contrast, Nozaki et al. merely disclose an electronic camera that attempts to limit blurring due to hand shaking. Although Nozaki et al. discloses using an image pick-up means to continuously image an object, unlike the Applicant's claimed invention, Nozaki et al. does **not** disclose several features of the amended claims. Namely, with regard to the independent claims, Nozaki et al. does **not** disclose using a first memory location for storing auxiliary image frames and a second memory location

separate from the first memory location for storing image frames, wherein each image frame corresponds to an associated auxiliary image frame **and** copying one or more auxiliary image frames and corresponding image frames to a fixed section of memory for performing image processing on the copied data.

In addition, Nozaki et al. clearly teaches away from the Applicant's claimed invention by **explicitly** stating that "...since the image memory 25 is jointly used for both the temporary storing and saving of the image data, **there is no need to provide the image memory separately**, and the structure of the electronic camera 21 can be simplified." [*emphasis added*] (see col. 9, lines 10-14 of Nozaki et al.).

Also, with regard to the dependent claims, Nozaki et al. do **not** disclose a second memory location that is a fixed section of memory configured to be used for image processing and automatic functions image frames (claims 2, 8 and 17) and that the image frames are video image frames (claims 3, 9 and 18), like the Applicants' claimed invention.

Thus, in light of the amendments to the claims, since Nozaki et al. does not disclose all of the features of the claims, Nozaki et al. cannot anticipate the claims. Hence, the Applicants respectfully submit that the rejection under 35 U.S.C. 102 should be withdrawn.

Further, because Nozaki et al. teaches away from the Applicant's claimed invention, Nozaki et al. **cannot** be considered with any other references. MPEP section 2143.01, part V.

Next, the Office Action provisionally rejected claims 1-20 on the ground of nonstatutory obviousness double patenting as being unpatentable over claims 1, 2, 8-12, 18 and 19 of co-pending U.S. Patent Application No. 10/681,816.

In response, the Applicant has attached hereto a terminal disclaimer in compliance with 37 CFR 1.321. Consequently, the Applicant submits that the rejection is overcome.

Last, with regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to

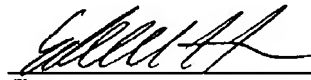
Serial No.: 10/681,801
Attorney Docket No.: 100110177-1

withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly requests the Examiner to telephone the Applicant's attorney at **(818) 885-1575**.

Please note that all mail correspondence should continue to be directed to

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
Dated: May 28, 2007



Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicant
(818) 885-1575 TEL
(818) 885-5750 FAX